

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. 5:24-cv-00668-AB-SHK

Date: July 29, 2024

Title: *Lynn Macy v. Cedarpines Park Mutual Water Company et al.*

Present: The Honorable Shashi H. Kewalramani, United States Magistrate Judge

D. Castellanos

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings (IN CHAMBERS): ORDER DENYING PLAINTIFF’S MOTION TO  
CHANGE DATE OF HEARING [ECF NO. 18] AS  
MOOT AND FINAL OSC RE DOE DEFENDANTS**

On July 26, 2024, Plaintiff Lynn Macy (“Plaintiff”) filed a document titled “Motion & Proposed Order to Change Date of Hearing” (“Motion”). Electronic Case Filing Number (“ECF No.”) 18, Mot. In the Motion, Plaintiff is seeking to move the hearing on Defendant Cedarpines Park Mutual Water Company’s (“Defendant”) Motion to Quash Service Summons re: Complaint (“MTQ”) to September 27, 2024 because Plaintiff will be out of the country. *Id.* at 1.

By way of background, on July 18, 2024, Defendant filed an MTQ. ECF No. 16, MTQ. In the MTQ, Defendant noticed a hearing date of August 23, 2024 at 10:00 a.m. However, on July 22, 2024, the Court issued its Order Requiring Briefing Re: Defendant Cedarpines Park Mutual Water Company’s Motion to Quash Summons (“Order re MTQ”), in which the Court indicated that the MTQ would be taken under submission and decided on the papers without oral argument. ECF No. 17, Order re MTQ at 1. Therefore, a hearing will not be required pursuant to the Order.

Accordingly, the hearing noticed for August 23, 2024 is **HEREBY VACATED** and Plaintiff’s Motion is **DENIED** as **MOOT**.

Additionally, on July 12, 2024, the Court issued an Order Denying Request for Service and To Show Cause (“OSC”), addressing Plaintiff’s failure to serve Doe Defendants. ECF No. 15, OSC at 2. The OSC instructed Plaintiff to either “(1) fil[e] a [Proof of Service (“POS”)] indicating who the Doe Defendants are and that they have been served; or (2) obtain[] a

Summons bearing the names and addresses of the Doe Defendants and filing a renewed request for [U.S. Marshal Service (“USMS”)][]” Id. On July 26, 2024, Plaintiff filed an “Opposition to Order Denying Request for Service and [T]o [S]how [C]ause” (“OSC Response”), in which Plaintiff explained that she served Defendant Cedarpines and filed a POS reflecting the same. ECF No. 19, OSC Response at 1-2.

Plaintiff’s OSC Response does not address her failure to serve the Doe Defendants. Therefore, Plaintiff is **ORDERED** to **SHOW CAUSE by August 13, 2024**, one **final** time, why the Doe Defendants should not be dismissed due to lack of service of the Summons and Complaint. Plaintiff can satisfy this order by either: (1) filing a POS indicating who the Doe Defendants are and that they have been served; (2) obtaining a Summons bearing the names and addresses of the Doe Defendants and filing a renewed request for USMS; or (3) filing a Notice of Voluntary Dismissal, dismissing the Doe Defendants from this action. **Plaintiff is warned, on final time, that failure to timely perform one of the options above will result in a recommendation that the Doe Defendants be dismissed from this action, with or without prejudice, for failure to prosecute and/or follow the Federal Rules of Civil Procedure and Court orders.**

**IT IS SO ORDERED.**